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9 Attorneys for Defendant GoAntiques, Inc.

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 MICHELE MAZUR and SARAH BATES,  
15 individually and for all others similarly  
16 situated,

17 Plaintiff,

18 vs.

19 EBAY, INC., et al.,

20 Defendant.

Case No. C 07 3967 MHP

**ANSWER OF DEFENDANT  
GOANTIQUES.COM, INC. TO  
PLAINTIFFS' THIRD AMENDED CLASS  
ACTION COMPLAINT**

21 Defendant GoAntiques, Inc. ("Defendant"), by and through its undersigned counsel,  
22 hereby answers the allegations in the Third Amended Class Action Complaint (the "Complaint")  
23 filed by Michele Mazur and Sarah Bates, individually and for all others similarly situated, as  
24 follows:

25 **NATURE OF THE CASE**

26 1. Defendant denies the allegations contained in Paragraph 1 of the Complaint, as alleged  
27 against this Defendant. As to the allegations in Paragraph 1 of the Complaint against the other  
28 defendants, Defendant denies for lack of knowledge or information sufficient to form a belief as

1 to the truth of said allegations.

2 2. Defendant denies for lack of knowledge or information sufficient to form a belief  
3 as to the truth of the allegations contained in Paragraph 2 of the Complaint.

4 3. Defendant denies for lack of knowledge or information sufficient to form a belief  
5 as to the truth of the allegations contained in Paragraph 3 of the Complaint.

6 4. Defendant denies the allegations contained in Paragraph 4 of the Complaint, as  
7 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
8 to form a belief as to the truth of the remaining allegations contained in Paragraph 4 of the  
9 Complaint.

10 5. Defendant denies the allegations contained in Paragraph 5 of the Complaint, as  
11 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
12 to form a belief as to the truth of the remaining allegations contained in Paragraph 5 of the  
13 Complaint.

14 6. In response to Paragraph 6 of the Complaint, Defendant admits only that Plaintiffs  
15 bring this Class Action pursuant to Federal Rules of Civil Procedure 23(a), (b)(1), (b)(2), and  
16 (b)(3). Defendant denies that this matter is properly brought as a class action. Defendant denies  
17 the remaining allegations contained in Paragraph 6 of the Complaint, as they pertain to this  
18 Defendant. Defendant denies for lack of knowledge or information sufficient to form a belief as  
19 to the truth of the remaining allegations contained in Paragraph 6 of the Complaint, as they  
20 pertain to the other defendants.

21 7. Defendant denies the allegations contained in Paragraph 7 of the Complaint, as  
22 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
23 to form a belief as to the truth of the remaining allegations contained in Paragraph 7 of the  
24 Complaint.

25 **JURISDICTION AND VENUE**

26 8. In response to Paragraph 8 of the Complaint, Defendant denies that this Court has  
27 subject matter jurisdiction over this nationwide class action. Defendant further asserts that the  
28 jurisdictional requirements of 28 U.S.C. § 1332 have not and cannot be satisfied. Defendant

1 denies that this Court has personal jurisdiction over this Defendant. Defendant denies the  
2 remaining allegations contained in Paragraph 8 of the Complaint.

3 9. In response to Paragraph 9 of the Complaint, Defendant denies that venue is  
4 proper in the Northern District of California; Defendant denies that it resides in this District.  
5 Defendant further asserts that the venue requirements of 28 U.S.C. § 1391 have not and cannot be  
6 satisfied.

7 **PARTIES**

8 10. Defendant denies for lack of knowledge or information sufficient to form a belief  
9 as to the truth of the allegations contained in Paragraph 10 of the Complaint.

10 11. Defendant denies for lack of knowledge or information sufficient to form a belief  
11 as to the truth of the allegations contained in Paragraph 11 of the Complaint.

12 12. Defendant denies for lack of knowledge or information sufficient to form a belief  
13 as to the truth of the allegations contained in Paragraph 12 of the Complaint.

14 13. Defendant denies for lack of knowledge or information sufficient to form a belief  
15 as to the truth of the allegations contained in Paragraph 13 of the Complaint.

16 14. Defendant denies for lack of knowledge or information sufficient to form a belief  
17 as to the truth of the allegations contained in Paragraph 14 of the Complaint.

18 15. Defendant denies that it is an Ohio corporation and admits the remaining  
19 allegations contained in Paragraph 15 of the Complaint

20 16. Defendant denies for lack of knowledge or information sufficient to form a belief  
21 as to the truth of the allegations contained in Paragraph 16 of the Complaint.

22 **CLASS ACTION ALLEGATIONS**

23 17. In response to Paragraph 17 of the Complaint, Defendant admits that this matter is  
24 brought by Plaintiffs in their representative capacity on behalf of themselves and the Class of all  
25 persons similarly situated, but denies that the proposed class defines similarly situated  
26 individuals, as to this Defendant. Defendant denies for lack of knowledge or information  
27 sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 17 of  
28 the Complaint.

1           18. Defendant denies that this Court has jurisdiction over the class action but admits  
2 only that if a class were to be brought, the described members of the class would be numerous.  
3 Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth  
4 of the remaining allegations contained in Paragraph 18 of the Complaint.

5           19. Defendant denies the allegations contained in Paragraph 19 of the Complaint, as  
6 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
7 to form a belief as to the truth of the remaining allegations contained in Paragraph 19 of the  
8 Complaint, as they pertain to the other defendants.

9           20. Defendant denies the allegations contained in Paragraph 20 of the Complaint, as  
10 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
11 to form a belief as to the truth of the remaining allegations contained in Paragraph 20 of the  
12 Complaint, as they pertain to the other defendants.

13           21. Defendant denies the allegations contained in Paragraph 21 of the Complaint, as  
14 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
15 to form a belief as to the truth of the remaining allegations contained in Paragraph 21 of the  
16 Complaint, as they pertain to the other defendants.

17           22. Defendant denies the allegations contained in Paragraph 22 of the Complaint, as  
18 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
19 to form a belief as to the truth of the remaining allegations contained in Paragraph 22 of the  
20 Complaint, as they pertain to the other defendants.

21           23. Defendant denies for lack of knowledge or information sufficient to form a belief  
22 as to the truth of the allegations contained in Paragraph 23 of the Complaint.

23           24. Defendant denies the allegations contained in Paragraph 24 of the Complaint, as  
24 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
25 to form a belief as to the truth of the remaining allegations contained in Paragraph 24 of the  
26 Complaint, as they pertain to the other defendants.

27           25. Defendant denies the allegations contained in Paragraph 25 of the Complaint, as  
28 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient

1 to form a belief as to the truth of the remaining allegations contained in Paragraph 25 of the  
2 Complaint, as they pertain to the other defendants.

3 26. Defendant denies for lack of knowledge or information sufficient to form a belief  
4 as to the truth of the allegations contained in Paragraph 26 of the Complaint.

5 27. Defendant denies the allegations contained in Paragraph 27 of the Complaint, as  
6 they pertain to this Defendant. Defendant further asserts that California is not the state of  
7 headquarters of this Defendant. Defendant denies for lack of knowledge or information sufficient  
8 to form a belief as to the truth of the remaining allegations contained in Paragraph 27 of the  
9 Complaint, as they pertain to the other defendants.

10 28. Defendant denies the allegations contained in Paragraph 28 of the Complaint, as  
11 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
12 to form a belief as to the truth of the remaining allegations contained in Paragraph 28 of the  
13 Complaint, as they pertain to the other defendants.

#### 14 **STATEMENT OF FACTS**

#### 15 **I. DEFENDANT DENIES FOR LACK OF KNOWLEDGE OR INFORMATION** 16 **SUFFICIENT TO FORM A BELIEF THAT EBAY PROMISES THAT LIVE** **AUCTIONS ARE SAFE OR THAT THEY ARE NOT.**

17 29. Defendant denies for lack of knowledge or information sufficient to form a belief  
18 as to the truth of the allegations contained in Paragraph 29 of the Complaint.

19 30. Defendant denies for lack of knowledge or information sufficient to form a belief  
20 as to the truth of the allegations contained in Paragraph 30 of the Complaint.

21 31. Defendant denies for lack of knowledge or information sufficient to form a belief  
22 as to the truth of the allegations contained in Paragraph 31 of the Complaint.

23 32. Defendant denies for lack of knowledge or information sufficient to form a belief  
24 as to the truth of the allegations contained in Paragraph 32 of the Complaint.

25 33. Defendant denies for lack of knowledge or information sufficient to form a belief  
26 as to the truth of the allegations contained in Paragraph 33 of the Complaint.

27 34. Defendant denies for lack of knowledge or information sufficient to form a belief  
28 as to the truth of the allegations contained in Paragraph 34 of the Complaint.

35. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35 of the Complaint.

36. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36 of the Complaint.

37. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37 of the Complaint.

38. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 of the Complaint.

**II. DEFENDANT DENIES THAT SOME AUCTIONS, INCLUDING ALL AUCTIONS HELD BY SELLER DEFENDANTS, ARE COMPLETE FRAUDS, AS ALLEGED AGAINST THIS DEFENDANT. DEFENDANT DENIES FOR LACK OF KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF AS TO THE TRUTH OF THIS ALLEGATION AS AGAINST THE OTHER DEFENDANTS.**

39. In response to Paragraph 39 of the Complaint, Defendant admits only that it runs a series of auctions in cooperation with eBay Live Auctions, and that these auctions can be found online at ebayliveauctions.com

40. Defendant denies the allegations contained in Paragraph 40 of the Complaint, as they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 40 of the Complaint, as they pertain to the other defendants.

41. Defendant denies the allegations contained in Paragraph 41 of the Complaint, as they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 41 of the Complaint, as they pertain to the other defendants.

42. Defendant denies the allegations contained in Paragraph 42 of the Complaint, as they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 42 of the Complaint, as they pertain to the other defendants.

43. Defendant denies for lack of knowledge or information sufficient to form a belief

1 as to the truth of the allegations contained in Paragraph 43 of the Complaint.

2 **III. DEFENDANT DENIES FOR LACK OF KNOWLEDGE OR INFORMATION**  
3 **SUFFICIENT TO FORM A BELIEF THAT HJA COMMITTED FRAUD**

4 44. Defendant denies for lack of knowledge or information sufficient to form a belief  
5 as to the truth of the allegations contained in Paragraph 44 of the Complaint.

6 45. Defendant denies for lack of knowledge or information sufficient to form a belief  
7 as to the truth of the allegations contained in Paragraph 45 of the Complaint.

8 46. Defendant denies for lack of knowledge or information sufficient to form a belief  
9 as to the truth of the allegations contained in Paragraph 46 of the Complaint.

10 47. Defendant denies for lack of knowledge or information sufficient to form a belief  
11 as to the truth of the allegations contained in Paragraph 47 of the Complaint.

12 48. Defendant denies for lack of knowledge or information sufficient to form a belief  
13 as to the truth of the allegations contained in Paragraph 48 of the Complaint.

14 49. Defendant denies for lack of knowledge or information sufficient to form a belief  
15 as to the truth of the allegations contained in Paragraph 49 of the Complaint.

16 50. Defendant denies for lack of knowledge or information sufficient to form a belief  
17 as to the truth of the allegations contained in Paragraph 50 of the Complaint.

18 **IV. DEFENDANT DENIES FOR LACK OF KNOWLEDGE OR INFORMATION**  
19 **SUFFICIENT TO FORM A BELIEF THAT NEIMANS COMMITTED FRAUD**

20 51. Defendant denies for lack of knowledge or information sufficient to form a belief  
21 as to the truth of the allegations contained in Paragraph 51 of the Complaint.

22 52. Defendant denies for lack of knowledge or information sufficient to form a belief  
23 as to the truth of the allegations contained in Paragraph 52 of the Complaint.

24 53. Defendant denies for lack of knowledge or information sufficient to form a belief  
25 as to the truth of the allegations contained in Paragraph 53 of the Complaint.

26 54. Defendant denies for lack of knowledge or information sufficient to form a belief  
27 as to the truth of the allegations contained in Paragraph 54 of the Complaint.

28 55. Defendant denies for lack of knowledge or information sufficient to form a belief

1 as to the truth of the allegations contained in Paragraph 55 of the Complaint.

2 **V. DEFENDANT DENIES THAT IT COMMITTED FRAUD**

3 56. Defendant denies the allegations contained in Paragraph 56 of the Complaint.

4 57. In response to Paragraph 57 of the Complaint, Defendant admits only that its  
5 auctions are not limited to jewelry, and that Defendant also sells antiques, art, collectibles, coins,  
6 paintings, and estate items. Defendant denies the remaining allegations contained in Paragraph  
7 57 of the Complaint.

8 58. In response to Paragraph 58 of the Complaint, Defendant admits only that it does  
9 sell goods for those in the antiques industry in exchange for a monthly fee and a commission.  
10 Defendant denies the remaining allegations contained in Paragraph 58 of the Complaint.

11 59. Defendant denies the allegations contained in Paragraph 59 of the Complaint.

12 60. Defendant denies the allegations contained in Paragraph 60 of the Complaint.

13 61. In response to Paragraph 61 of the Complaint, Defendant admits only that the  
14 excerpted portion of Defendant's Terms and Conditions was added to Defendant's website on or  
15 around February 2005. Defendant denies the remaining allegations contained in Paragraph 61 of  
16 the Complaint.

17 62. Defendant denies the allegations contained in Paragraph 62 of the Complaint.

18 63. In response to Paragraph 63 of the Complaint, Defendant admits only that its  
19 disclaimer speaks for itself. Defendant denies for lack of knowledge or information sufficient to  
20 form a belief as to the truth of the remaining allegations contained in Paragraph 63 of the  
21 Complaint.

22 64. Defendant denies the allegations contained in Paragraph 64 of the Complaint.

23 65. Defendant denies the allegations contained in Paragraph 65 of the Complaint.

24 **VI. DEFENDANT DENIES FOR LACK OF KNOWLEDGE OR INFORMATION**  
25 **SUFFICIENT TO FORM A BELIEF THAT DEFENDANTS ARE ENGAGED IN**  
26 **SHILL BIDDING SCHEMES THAT EBAY DOES NOTHING TO STOP AND**  
**WHICH EBAY PROBABLY EVEN COORDINATES**

27 66. Defendant denies for lack of knowledge or information sufficient to form a belief  
28 as to the truth of the allegations contained in Paragraph 66 of the Complaint.



1           67. Defendant denies the allegations contained in Paragraph 67 of the Complaint, as  
2 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
3 to form a belief as to the truth of the remaining allegations contained in Paragraph 67 of the  
4 Complaint, as they pertain to the other defendants.

5           68. In response to Paragraph 68 of the Complaint, Defendant admits only that is hosts  
6 “live auctions” via eBay Live Auctions. Defendant denies the remaining allegations contained in  
7 Paragraph 68 of the Complaint, as they pertain to this Defendant. Defendant denies for lack of  
8 knowledge or information sufficient to form a belief as to the truth of the remaining allegations  
9 contained in Paragraph 68 of the Complaint, as they pertain to the other defendants.

10           69. Defendant denies the allegations contained in Paragraph 69 of the Complaint, as  
11 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
12 to form a belief as to the truth of the remaining allegations contained in Paragraph 69 of the  
13 Complaint, as they pertain to the other defendants.

14           70. Defendant denies the allegations contained in Paragraph 70 of the Complaint, as  
15 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
16 to form a belief as to the truth of the remaining allegations contained in Paragraph 70 of the  
17 Complaint, as they pertain to the other defendants.

18           71. Defendant denies the allegations contained in Paragraph 71 of the Complaint, as  
19 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
20 to form a belief as to the truth of the remaining allegations contained in Paragraph 71 of the  
21 Complaint, as they pertain to the other defendants.

22           72. Defendant denies the allegations contained in Paragraph 72 of the Complaint, as  
23 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
24 to form a belief as to the truth of the remaining allegations contained in Paragraph 72 of the  
25 Complaint, as they pertain to the other defendants.

26           73. Defendant denies the allegations contained in Paragraph 73 of the Complaint, as  
27 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
28 to form a belief as to the truth of the remaining allegations contained in Paragraph 73 of the

1 Complaint, as they pertain to the other defendants.

2 74. In response to Paragraph 74 of the Complaint, Defendant admits only that  
3 Plaintiffs or the members of the Class may have purchased items from this Defendant. Defendant  
4 denies the remaining allegations contained in Paragraph 74 of the Complaint, as they pertain to  
5 this Defendant. Defendant denies for lack of knowledge or information sufficient to form a belief  
6 as to the truth of the remaining allegations contained in Paragraph 74 of the Complaint, as they  
7 pertain to the other defendants.

8 75. Defendant denies the allegations contained in Paragraph 75 of the Complaint, as  
9 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
10 to form a belief as to the truth of the remaining allegations contained in Paragraph 75 of the  
11 Complaint, as they pertain to the other defendants.

12 **VII. DEFENDANT DENIES FOR LACK OF KNOWLEDGE OR INFORMATION**  
13 **SUFFICIENT TO FORM A BELIEF THAT EBAY PROFITS FROM THIS**  
14 **SCHEME AND THAT EBAY DOES NOTHING TO STOP FRAUDULENT**  
**ACTIONS AND SHILL BIDDING**

15 76. Defendant denies for lack of knowledge or information sufficient to form a belief  
16 as to the truth of the allegations contained in Paragraph 76 of the Complaint.

17 77. Defendant denies the allegations contained in Paragraph 77 of the Complaint, as  
18 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
19 to form a belief as to the truth of the remaining allegations contained in Paragraph 77 of the  
20 Complaint, as they pertain to the other defendants.

21 78. Defendant denies the allegations contained in Paragraph 78 of the Complaint, as  
22 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
23 to form a belief as to the truth of the remaining allegations contained in Paragraph 78 of the  
24 Complaint, as they pertain to the other defendants.

25 79. Defendant denies the allegations contained in Paragraph 79 of the Complaint, as  
26 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
27 to form a belief as to the truth of the remaining allegations contained in Paragraph 79 of the  
28 Complaint, as they pertain to the other defendants.

80. Defendant denies the allegations contained in Paragraph 80 of the Complaint, as they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 80 of the Complaint, as they pertain to the other defendants.

81. Defendant denies the allegations contained in Paragraph 81 of the Complaint, as they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 81 of the Complaint, as they pertain to the other defendants.

82. Defendant denies the allegations contained in Paragraph 82 of the Complaint, as they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 82 of the Complaint, as they pertain to the other defendants.

83. Defendant denies the allegations contained in Paragraph 83 of the Complaint, as they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 83 of the Complaint, as they pertain to the other defendants.

84. Defendant denies the allegations contained in Paragraph 84 of the Complaint, as they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 84 of the Complaint, as they pertain to the other defendants.

85. Defendant denies the allegations contained in Paragraph 85 of the Complaint, as they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 85 of the Complaint, as they pertain to the other defendants.

**VIII. DEFENDANT DENIES FOR LACK OF KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF THAT EBAY HAS ENGAGED IN FRAUDULENT MISREPRESENTATION**

86. Defendant denies the allegations contained in Paragraph 86 of the Complaint, as they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient

1 to form a belief as to the truth of the remaining allegations contained in Paragraph 86 of the  
2 Complaint, as they pertain to the other defendants.

3 87. Defendant denies for lack of knowledge or information sufficient to form a belief  
4 as to the truth of the allegations contained in Paragraph 87 of the Complaint.

5 88. Defendant denies the allegations contained in Paragraph 88 of the Complaint, as  
6 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
7 to form a belief as to the truth of the remaining allegations contained in Paragraph 88 of the  
8 Complaint, as they pertain to the other defendants.

9 89. Defendant denies the allegations contained in Paragraph 89 of the Complaint, as  
10 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
11 to form a belief as to the truth of the remaining allegations contained in Paragraph 89 of the  
12 Complaint, as they pertain to the other defendants.

13 90. Defendant denies the allegations contained in Paragraph 90 of the Complaint, as  
14 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
15 to form a belief as to the truth of the remaining allegations contained in Paragraph 90 of the  
16 Complaint, as they pertain to the other defendants.

17 91. Defendant denies the allegations contained in Paragraph 91 of the Complaint, as  
18 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
19 to form a belief as to the truth of the remaining allegations contained in Paragraph 91 of the  
20 Complaint, as they pertain to the other defendants.

21 **IX. DEFENDANT DENIES FOR LACK OF KNOWLEDGE OR INFORMATION**  
22 **SUFFICIENT TO FORM A BELIEF THAT EBAY AND HJA HAVE**  
23 **DEFRAUDED PLAINTIFF MAZUR AND COUNTLESS OTHER CLASS**  
**MEMBERS**

24 92. Defendant denies for lack of knowledge or information sufficient to form a belief  
25 as to the truth of the allegations contained in Paragraph 92 of the Complaint.

26 93. Defendant denies for lack of knowledge or information sufficient to form a belief  
27 as to the truth of the allegations contained in Paragraph 93 of the Complaint.

28 94. Defendant denies for lack of knowledge or information sufficient to form a belief

1 as to the truth of the allegations contained in Paragraph 94 of the Complaint.

2 95. Defendant denies for lack of knowledge or information sufficient to form a belief  
3 as to the truth of the allegations contained in Paragraph 95 of the Complaint.

4 96. Defendant denies for lack of knowledge or information sufficient to form a belief  
5 as to the truth of the allegations contained in Paragraph 96 of the Complaint.

6 97. Defendant denies for lack of knowledge or information sufficient to form a belief  
7 as to the truth of the allegations contained in Paragraph 97 of the Complaint.

8 98. Defendant denies for lack of knowledge or information sufficient to form a belief  
9 as to the truth of the allegations contained in Paragraph 98 of the Complaint.

10 99. Defendant denies for lack of knowledge or information sufficient to form a belief  
11 as to the truth of the allegations contained in Paragraph 99 of the Complaint.

12 100. Defendant denies for lack of knowledge or information sufficient to form a belief  
13 as to the truth of the allegations contained in Paragraph 100 of the Complaint.

14 **X. DEFENDANT DENIES FOR LACK OF KNOWLEDGE OR INFORMATION**  
15 **SUFFICIENT TO FORM A BELIEF THAT EBAY AND NEIMANS HAVE**  
16 **DEFRAUDED PLAINTIFF BATES AND COUNTLESS OTHER CLASS**  
**MEMBERS**

17 101. Defendant denies for lack of knowledge or information sufficient to form a belief  
18 as to the truth of the allegations contained in Paragraph 101 of the Complaint.

19 102. Defendant denies for lack of knowledge or information sufficient to form a belief  
20 as to the truth of the allegations contained in Paragraph 102 of the Complaint.

21 103. Defendant denies for lack of knowledge or information sufficient to form a belief  
22 as to the truth of the allegations contained in Paragraph 103 of the Complaint.

23 104. Defendant denies for lack of knowledge or information sufficient to form a belief  
24 as to the truth of the allegations contained in Paragraph 104 of the Complaint.

25 105. Defendant denies for lack of knowledge or information sufficient to form a belief  
26 as to the truth of the allegations contained in Paragraph 105 of the Complaint.

27 106. Defendant denies for lack of knowledge or information sufficient to form a belief  
28 as to the truth of the allegations contained in Paragraph 106 of the Complaint.

107. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 107 of the Complaint.

108. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 108 of the Complaint.

**XI. DEFENDANT DENIES THAT IT DEFRAUDED PLAINTIFF BATES AND COUNTLESS OTHER CLASS MEMBERS. DEFENDANT DENIES FOR LACK OF KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF THAT EBAY HAS DEFRAUDED PLAINTIFF BATES AND COUNTLESS OTHER CLASS MEMBERS.**

109. In response to Paragraph 109 of the Complaint, Defendant admits only that Mazur purchased a painting of the United States Capitol from this Defendant through an eBay Live Auction involving “floor bidders” for \$2,206. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 109 of the Complaint, as they pertain to the other defendants.

110. Defendant denies the allegations contained in Paragraph 110 of the Complaint.

111. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 111 of the Complaint.

112. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 112 of the Complaint.

113. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 113 of the Complaint.

114. Defendant denies the allegations contained in Paragraph 114 of the Complaint, as they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 114 of the Complaint, as they pertain to the other defendants.

115. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 115 of the Complaint.

116. Defendant denies the allegations contained in Paragraph 116 of the Complaint, as they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 116 of the

1 Complaint, as they pertain to the other defendants.

2 **XII. DEFENDANT DENIES THAT IT IS ENGAGED IN AN ELABORATE SCHEME**  
 3 **TO DEFRAUD THAT VIOLATES THE RACKETEER INFLUENCED AND**  
 4 **CORRUPT ORGANIZATIONS ACT. DEFENDANT DENIES FOR LACK OF**  
 5 **KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF THAT**  
 6 **THE OTHER DEFENDANTS ARE ENGAGED IN AN ELABORATE SCHEME**  
 7 **TO DEFRAUD THAT VIOLATES THE RACKETEER INFLUENCED AND**  
 8 **CORRUPT ORGANIZATIONS ACT.**

9 117. Defendant denies the allegations contained in Paragraph 117 of the Complaint, as  
 10 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
 11 to form a belief as to the truth of the remaining allegations contained in Paragraph 117 of the  
 12 Complaint, as they pertain to the other defendants.

13 118. Defendant denies the allegations contained in Paragraph 118 of the Complaint, as  
 14 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
 15 to form a belief as to the truth of the remaining allegations contained in Paragraph 118 of the  
 16 Complaint, as they pertain to the other defendants.

17 119. Defendant denies the allegations contained in Paragraph 119 of the Complaint, as  
 18 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
 19 to form a belief as to the truth of the remaining allegations contained in Paragraph 119 of the  
 20 Complaint, as they pertain to the other defendants.

21 120. Defendant denies the allegations contained in Paragraph 120 of the Complaint, as  
 22 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
 23 to form a belief as to the truth of the remaining allegations contained in Paragraph 120 of the  
 24 Complaint, as they pertain to the other defendants.

25 121. Defendant denies the allegations contained in Paragraph 121 of the Complaint, as  
 26 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
 27 to form a belief as to the truth of the remaining allegations contained in Paragraph 121 of the  
 28 Complaint, as they pertain to the other defendants.

122. Defendant denies the allegations contained in Paragraph 122 of the Complaint, as  
 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
 to form a belief as to the truth of the remaining allegations contained in Paragraph 122 of the



1 Complaint, as they pertain to the other defendants.

2 123. Defendant denies the allegations contained in Paragraph 123 of the Complaint, as  
3 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
4 to form a belief as to the truth of the remaining allegations contained in Paragraph 123 of the  
5 Complaint, as they pertain to the other defendants.

6 124. Defendant denies the allegations contained in Paragraph 124 of the Complaint, as  
7 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
8 to form a belief as to the truth of the remaining allegations contained in Paragraph 124 of the  
9 Complaint, as they pertain to the other defendants.

10 **CAUSES OF ACTION AGAINST EBAY**

11 **COUNT 1 – VIOLATIONS OF CAL. CIVIL CODE §§ 1750 ET SEQ.**  
12 **(AGAINST EBAY)**

13 125. Defendant realleges hereto, as if fully restated herein, each and every defense and  
14 averment contained in Paragraphs 1 through 124 of this Answer.

15 126. In response to Paragraph 126 of the Complaint, Defendant admits that Plaintiffs  
16 bring this claim individually and on behalf of the Class against eBay.

17 127. Defendant denies for lack of knowledge or information sufficient to form a belief  
18 as to the truth of the allegations contained in Paragraph 127 of the Complaint.

19 128. Defendant denies for lack of knowledge or information sufficient to form a belief  
20 as to the truth of the allegations contained in Paragraph 128 of the Complaint.

21 129. Defendant denies for lack of knowledge or information sufficient to form a belief  
22 as to the truth of the allegations contained in Paragraph 129 of the Complaint.

23 130. Defendant denies for lack of knowledge or information sufficient to form a belief  
24 as to the truth of the allegations contained in Paragraph 130 of the Complaint.

25 131. Defendant denies for lack of knowledge or information sufficient to form a belief  
26 as to the truth of the allegations contained in Paragraph 131 of the Complaint.

27 132. Defendant denies for lack of knowledge or information sufficient to form a belief  
28 as to the truth of the allegations contained in Paragraph 132 of the Complaint. Defendant further



1 asserts that the Cal. Civ. Code speaks for itself.

2 133. Defendant denies for lack of knowledge or information sufficient to form a belief  
3 as to the truth of the allegations contained in Paragraph 133 of the Complaint.

4 134. Defendant denies for lack of knowledge or information sufficient to form a belief  
5 as to the truth of the allegations contained in Paragraph 134 of the Complaint.

6 135. Defendant denies for lack of knowledge or information sufficient to form a belief  
7 as to the truth of the allegations contained in Paragraph 135 of the Complaint.

8 136. Defendant denies for lack of knowledge or information sufficient to form a belief  
9 as to the truth of the allegations contained in Paragraph 136 of the Complaint.

10 137. Defendant denies for lack of knowledge or information sufficient to form a belief  
11 as to the truth of the allegations contained in Paragraph 137 of the Complaint.

12 138. Defendant denies for lack of knowledge or information sufficient to form a belief  
13 as to the truth of the allegations contained in Paragraph 138 of the Complaint.

14 139. Defendant denies for lack of knowledge or information sufficient to form a belief  
15 as to the truth of the allegations contained in Paragraph 139 of the Complaint.

16 140. Defendant denies for lack of knowledge or information sufficient to form a belief  
17 as to the truth of the allegations contained in Paragraph 140 of the Complaint.

18 141. Defendant denies for lack of knowledge or information sufficient to form a belief  
19 as to the truth of the allegations contained in Paragraph 141 of the Complaint.

20 142. Defendant denies for lack of knowledge or information sufficient to form a belief  
21 as to the truth of the allegations contained in Paragraph 142 of the Complaint.

22 **COUNT 2 – VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17200 ET SEQ.**  
23 **(AGAINST EBAY)**

24 143. Defendant realleges hereto, as if fully restated herein, each and every defense and  
25 averment contained in Paragraphs 1 through 142 of this Answer.

26 144. Defendant denies for lack of knowledge or information sufficient to form a belief  
27 as to the truth of the allegations contained in Paragraph 144 of the Complaint.

28 145. Defendant denies for lack of knowledge or information sufficient to form a belief

1 as to the truth of the allegations contained in Paragraph 145 of the Complaint.

2 146. Defendant denies for lack of knowledge or information sufficient to form a belief  
3 as to the truth of the allegations contained in Paragraph 146 of the Complaint.

4 147. Defendant denies for lack of knowledge or information sufficient to form a belief  
5 as to the truth of the allegations contained in Paragraph 147 of the Complaint.

6 148. Defendant denies for lack of knowledge or information sufficient to form a belief  
7 as to the truth of the allegations contained in Paragraph 148 of the Complaint.

8 **COUNT 3 – VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17500 ET SEQ.**  
9 **(AGAINST EBAY)**

10 149. Defendant realleges hereto, as if fully restated herein, each and every defense and  
11 averment contained in Paragraphs 1 through 148 of this Answer.

12 150. In response to Paragraph 150 of the Complaint, Defendant admits that Plaintiffs  
13 bring this claim individually and on behalf of the Class against eBay.

14 151. Defendant denies for lack of knowledge or information sufficient to form a belief  
15 as to the truth of the allegations contained in Paragraph 151 of the Complaint.

16 152. Defendant denies for lack of knowledge or information sufficient to form a belief  
17 as to the truth of the allegations contained in Paragraph 152 of the Complaint.

18 153. Defendant denies for lack of knowledge or information sufficient to form a belief  
19 as to the truth of the allegations contained in Paragraph 153 of the Complaint.

20 154. Defendant denies for lack of knowledge or information sufficient to form a belief  
21 as to the truth of the allegations contained in Paragraph 154 of the Complaint.

22 155. Defendant denies for lack of knowledge or information sufficient to form a belief  
23 as to the truth of the allegations contained in Paragraph 155 of the Complaint.

24 156. Defendant denies for lack of knowledge or information sufficient to form a belief  
25 as to the truth of the allegations contained in Paragraph 156 of the Complaint.

26 157. Defendant denies for lack of knowledge or information sufficient to form a belief  
27 as to the truth of the allegations contained in Paragraph 157 of the Complaint.

28 158. Defendant denies for lack of knowledge or information sufficient to form a belief

1 as to the truth of the allegations contained in Paragraph 158 of the Complaint.

2 159. Defendant denies for lack of knowledge or information sufficient to form a belief  
3 as to the truth of the allegations contained in Paragraph 159 of the Complaint.

4 **COUNT 4 – VIOLATIONS OF CAL. CIVIL CODE §§ 1709, 1710**  
5 **(AGAINST EBAY)**

6 160. Defendant realleges hereto, as if fully restated herein, each and every defense and  
7 averment contained in Paragraphs 1 through 159 of this Answer.

8 161. In response to Paragraph 161 of the Complaint, Defendant admits that Plaintiffs  
9 bring this claim individually and on behalf of the Class against eBay.

10 162. Defendant denies for lack of knowledge or information sufficient to form a belief  
11 as to the truth of the allegations contained in Paragraph 162 of the Complaint. Defendant further  
12 asserts that the Cal. Civ. Code speaks for itself.

13 163. Defendant denies for lack of knowledge or information sufficient to form a belief  
14 as to the truth of the allegations contained in Paragraph 163 of the Complaint. Defendant further  
15 asserts that the Cal. Civ. Code speaks for itself.

16 164. Defendant denies for lack of knowledge or information sufficient to form a belief  
17 as to the truth of the allegations contained in Paragraph 164 of the Complaint.

18 165. Defendant denies for lack of knowledge or information sufficient to form a belief  
19 as to the truth of the allegations contained in Paragraph 165 of the Complaint.

20 166. Defendant denies for lack of knowledge or information sufficient to form a belief  
21 as to the truth of the allegations contained in Paragraph 166 of the Complaint.

22 167. Defendant denies for lack of knowledge or information sufficient to form a belief  
23 as to the truth of the allegations contained in Paragraph 167 of the Complaint.

24 168. Defendant denies for lack of knowledge or information sufficient to form a belief  
25 as to the truth of the allegations contained in Paragraph 168 of the Complaint.

26 169. Defendant denies for lack of knowledge or information sufficient to form a belief  
27 as to the truth of the allegations contained in Paragraph 169 of the Complaint.

28 170. Defendant denies for lack of knowledge or information sufficient to form a belief

1 as to the truth of the allegations contained in Paragraph 170 of the Complaint.

2 **COUNT 5 – VIOLATIONS OF CAL. CIVIL CODE § 1572**  
3 **(AGAINST EBAY)**

4 171. Defendant realleges hereto, as if fully restated herein, each and every defense and  
5 averment contained in Paragraphs 1 through 170 of this Answer.

6 172. In response to Paragraph 172 of the Complaint, Defendant admits that Plaintiffs  
7 bring this claim individually and on behalf of the Class against eBay.

8 173. Defendant denies for lack of knowledge or information sufficient to form a belief  
9 as to the truth of the allegations contained in Paragraph 173 of the Complaint. Defendant further  
10 asserts that the Cal. Civ. Code speaks for itself.

11 174. Defendant denies for lack of knowledge or information sufficient to form a belief  
12 as to the truth of the allegations contained in Paragraph 174 of the Complaint.

13 175. Defendant denies for lack of knowledge or information sufficient to form a belief  
14 as to the truth of the allegations contained in Paragraph 175 of the Complaint.

15 176. Defendant denies for lack of knowledge or information sufficient to form a belief  
16 as to the truth of the allegations contained in Paragraph 176 of the Complaint.

17 177. Defendant denies for lack of knowledge or information sufficient to form a belief  
18 as to the truth of the allegations contained in Paragraph 177 of the Complaint.

19 178. Defendant denies for lack of knowledge or information sufficient to form a belief  
20 as to the truth of the allegations contained in Paragraph 178 of the Complaint.

21 179. Defendant denies for lack of knowledge or information sufficient to form a belief  
22 as to the truth of the allegations contained in Paragraph 179 of the Complaint.

23 180. Defendant denies for lack of knowledge or information sufficient to form a belief  
24 as to the truth of the allegations contained in Paragraph 180 of the Complaint.

25 **COUNT 6 – VIOLATIONS OF CAL. CIVIL CODE § 1573**  
26 **(AGAINST EBAY)**

27 181. Defendant realleges hereto, as if fully restated herein, each and every defense and  
28 averment contained in Paragraphs 1 through 179 of this Answer.

182. In response to Paragraph 182 of the Complaint, Defendant admits that Plaintiffs bring this claim individually and on behalf of the Class against eBay.

183. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 183 of the Complaint. Defendant further asserts that the Cal. Civ. Code speaks for itself.

184. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 184 of the Complaint.

185. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 185 of the Complaint.

186. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 186 of the Complaint.

**COUNT 7 – BREACH OF CONTRACT**  
**(AGAINST EBAY)**

187. Defendant realleges hereto, as if fully restated herein, each and every defense and averment contained in Paragraphs 1 through 186 of this Answer.

188. In response to Paragraph 188 of the Complaint, Defendant admits that Plaintiffs bring this claim individually and on behalf of the Class against eBay.

189. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 189 of the Complaint.

190. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 190 of the Complaint.

191. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 191 of the Complaint.

192. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 192 of the Complaint.

193. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 193 of the Complaint.

194. Defendant denies for lack of knowledge or information sufficient to form a belief

1 as to the truth of the allegations contained in Paragraph 194 of the Complaint.

2 195. Defendant denies for lack of knowledge or information sufficient to form a belief  
3 as to the truth of the allegations contained in Paragraph 195 of the Complaint.

4 196. Defendant denies for lack of knowledge or information sufficient to form a belief  
5 as to the truth of the allegations contained in Paragraph 196 of the Complaint.

6 **COUNT 8 – UNJUST ENRICHMENT**  
7 **(AGAINST EBAY)**

8 197. Defendant realleges hereto, as if fully restated herein, each and every defense and  
9 averment contained in Paragraphs 1 through 196 of this Answer.

10 198. In response to Paragraph 198 of the Complaint, Defendant admits that Plaintiffs  
11 bring this claim individually and on behalf of the Class against eBay.

12 199. Defendant denies for lack of knowledge or information sufficient to form a belief  
13 as to the truth of the allegations contained in Paragraph 199 of the Complaint.

14 200. Defendant denies for lack of knowledge or information sufficient to form a belief  
15 as to the truth of the allegations contained in Paragraph 200 of the Complaint.

16 201. Defendant denies for lack of knowledge or information sufficient to form a belief  
17 as to the truth of the allegations contained in Paragraph 201 of the Complaint.

18 **COUNT 9 – NEGLIGENCE**  
19 **(AGAINST EBAY)**

20 202. Defendant realleges hereto, as if fully restated herein, each and every defense and  
21 averment contained in Paragraphs 1 through 201 of this Answer.

22 203. In response to Paragraph 203 of the Complaint, Defendant admits that Plaintiffs  
23 bring this claim individually and on behalf of the Class against eBay.

24 204. Defendant denies for lack of knowledge or information sufficient to form a belief  
25 as to the truth of the allegations contained in Paragraph 204 of the Complaint.

26 205. Defendant denies for lack of knowledge or information sufficient to form a belief  
27 as to the truth of the allegations contained in Paragraph 205 of the Complaint.

28 206. Defendant denies for lack of knowledge or information sufficient to form a belief

1 as to the truth of the allegations contained in Paragraph 206 of the Complaint.

2 207. Defendant denies for lack of knowledge or information sufficient to form a belief  
3 as to the truth of the allegations contained in Paragraph 207 of the Complaint.

4 **COUNT 10 – NEGLIGENCE PER SE**  
5 **(AGAINST EBAY)**

6 208. Defendant realleges hereto, as if fully restated herein, each and every defense and  
7 averment contained in Paragraphs 1 through 207 of this Answer.

8 209. In response to Paragraph 209 of the Complaint, Defendant admits that Plaintiffs  
9 bring this claim individually and on behalf of the Class against eBay.

10 210. Defendant denies for lack of knowledge or information sufficient to form a belief  
11 as to the truth of the allegations contained in Paragraph 210 of the Complaint.

12 211. Defendant denies for lack of knowledge or information sufficient to form a belief  
13 as to the truth of the allegations contained in Paragraph 211 of the Complaint.

14 212. Defendant denies for lack of knowledge or information sufficient to form a belief  
15 as to the truth of the allegations contained in Paragraph 212 of the Complaint.

16 213. Defendant denies for lack of knowledge or information sufficient to form a belief  
17 as to the truth of the allegations contained in Paragraph 213 of the Complaint.

18 **CAUSES OF ACTION AGAINST HJA**

19 **COUNT 11 – VIOLATIONS OF CAL. CIVIL CODE §§ 1750 ET SEQ.**  
20 **(AGAINST HJA)**

21 214. Defendant realleges hereto, as if fully restated herein, each and every defense and  
22 averment contained in Paragraphs 1 through 213 of this Answer.

23 215. In response to Paragraph 215 of the Complaint, Defendant admits that Plaintiffs  
24 bring this claim individually and on behalf of the Class against HJA.

25 216. Defendant denies for lack of knowledge or information sufficient to form a belief  
26 as to the truth of the allegations contained in Paragraph 216 of the Complaint.

27 217. Defendant denies for lack of knowledge or information sufficient to form a belief  
28 as to the truth of the allegations contained in Paragraph 217 of the Complaint.

1           218. Defendant denies for lack of knowledge or information sufficient to form a belief  
2 as to the truth of the allegations contained in Paragraph 218 of the Complaint.

3           219. Defendant denies for lack of knowledge or information sufficient to form a belief  
4 as to the truth of the allegations contained in Paragraph 219 of the Complaint.

5           220. Defendant denies for lack of knowledge or information sufficient to form a belief  
6 as to the truth of the allegations contained in Paragraph 220 of the Complaint.

7           221. Defendant denies for lack of knowledge or information sufficient to form a belief  
8 as to the truth of the allegations contained in Paragraph 221 of the Complaint.

9           222. Defendant denies for lack of knowledge or information sufficient to form a belief  
10 as to the truth of the allegations contained in Paragraph 222 of the Complaint. Defendant further  
11 asserts that the Cal. Civ. Code speaks for itself.

12           223. Defendant denies for lack of knowledge or information sufficient to form a belief  
13 as to the truth of the allegations contained in Paragraph 223 of the Complaint.

14           224. Defendant denies for lack of knowledge or information sufficient to form a belief  
15 as to the truth of the allegations contained in Paragraph 224 of the Complaint.

16           225. Defendant denies for lack of knowledge or information sufficient to form a belief  
17 as to the truth of the allegations contained in Paragraph 225 of the Complaint.

18           226. Defendant denies for lack of knowledge or information sufficient to form a belief  
19 as to the truth of the allegations contained in Paragraph 226 of the Complaint.

20           227. Defendant denies for lack of knowledge or information sufficient to form a belief  
21 as to the truth of the allegations contained in Paragraph 227 of the Complaint.

22           228. Defendant denies for lack of knowledge or information sufficient to form a belief  
23 as to the truth of the allegations contained in Paragraph 228 of the Complaint.

24           229. Defendant denies for lack of knowledge or information sufficient to form a belief  
25 as to the truth of the allegations contained in Paragraph 229 of the Complaint.

26           230. Defendant denies for lack of knowledge or information sufficient to form a belief  
27 as to the truth of the allegations contained in Paragraph 230 of the Complaint.

28



**COUNT 12 – VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17200 ET SEQ.**  
**(AGAINST HJA)**

231. Defendant realleges hereto, as if fully restated herein, each and every defense and averment contained in Paragraphs 1 through 230 of this Answer.

232. In response to Paragraph 232 of the Complaint, Defendant admits that Plaintiffs bring this claim individually and on behalf of the Class against HJA.

233. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 233 of the Complaint.

234. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 234 of the Complaint.

235. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 235 of the Complaint.

236. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 236 of the Complaint.

237. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 237 of the Complaint.

**COUNT 13 – VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17500 ET SEQ.**  
**(AGAINST HJA)**

238. Defendant realleges hereto, as if fully restated herein, each and every defense and averment contained in Paragraphs 1 through 237 of this Answer.

239. In response to Paragraph 239 of the Complaint, Defendant admits that Plaintiffs bring this claim individually and on behalf of the Class against HJA.

240. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 240 of the Complaint.

241. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 241 of the Complaint.

242. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 242 of the Complaint.

1           243. Defendant denies for lack of knowledge or information sufficient to form a belief  
2 as to the truth of the allegations contained in Paragraph 243 of the Complaint.

3           244. Defendant denies for lack of knowledge or information sufficient to form a belief  
4 as to the truth of the allegations contained in Paragraph 244 of the Complaint.

5           245. Defendant denies for lack of knowledge or information sufficient to form a belief  
6 as to the truth of the allegations contained in Paragraph 245 of the Complaint.

7           246. Defendant denies for lack of knowledge or information sufficient to form a belief  
8 as to the truth of the allegations contained in Paragraph 246 of the Complaint.

9           247. Defendant denies for lack of knowledge or information sufficient to form a belief  
10 as to the truth of the allegations contained in Paragraph 247 of the Complaint.

11           248. Defendant denies for lack of knowledge or information sufficient to form a belief  
12 as to the truth of the allegations contained in Paragraph 248 of the Complaint.

13                   **COUNT 14 – VIOLATIONS OF CAL. CIVIL CODE §§ 1709, 1710**  
14                   **(AGAINST HJA)**

15           249. Defendant realleges hereto, as if fully restated herein, each and every defense and  
16 averment contained in Paragraphs 1 through 248 of this Answer.

17           250. In response to Paragraph 250 of the Complaint, Defendant admits that Plaintiffs  
18 bring this claim individually and on behalf of the Class against HJA.

19           251. Defendant denies for lack of knowledge or information sufficient to form a belief  
20 as to the truth of the allegations contained in Paragraph 251 of the Complaint. Defendant further  
21 asserts that the Cal. Civ. Code speaks for itself.

22           252. Defendant denies for lack of knowledge or information sufficient to form a belief  
23 as to the truth of the allegations contained in Paragraph 252 of the Complaint. Defendant further  
24 asserts that the Cal. Civ. Code speaks for itself.

25           253. Defendant denies for lack of knowledge or information sufficient to form a belief  
26 as to the truth of the allegations contained in Paragraph 253 of the Complaint.

27           254. Defendant denies for lack of knowledge or information sufficient to form a belief  
28 as to the truth of the allegations contained in Paragraph 254 of the Complaint.

1           255. Defendant denies for lack of knowledge or information sufficient to form a belief  
2 as to the truth of the allegations contained in Paragraph 255 of the Complaint.

3           256. Defendant denies for lack of knowledge or information sufficient to form a belief  
4 as to the truth of the allegations contained in Paragraph 256 of the Complaint.

5           257. Defendant denies for lack of knowledge or information sufficient to form a belief  
6 as to the truth of the allegations contained in Paragraph 257 of the Complaint.

7           258. Defendant denies for lack of knowledge or information sufficient to form a belief  
8 as to the truth of the allegations contained in Paragraph 258 of the Complaint.

9           259. Defendant denies for lack of knowledge or information sufficient to form a belief  
10 as to the truth of the allegations contained in Paragraph 259 of the Complaint.

11           260. Defendant denies for lack of knowledge or information sufficient to form a belief  
12 as to the truth of the allegations contained in Paragraph 260 of the Complaint.

13                           **COUNT 15 – VIOLATIONS OF CAL. CIVIL CODE § 1572**  
14                           **(AGAINST HJA)**

15           261. Defendant realleges hereto, as if fully restated herein, each and every defense and  
16 averment contained in Paragraphs 1 through 260 of this Answer.

17           262. In response to Paragraph 262 of the Complaint, Defendant admits that Plaintiffs  
18 bring this claim individually and on behalf of the Class against HJA.

19           263. Defendant denies for lack of knowledge or information sufficient to form a belief  
20 as to the truth of the allegations contained in Paragraph 263 of the Complaint. Defendant further  
21 asserts that the Cal. Civ. Code speaks for itself.

22           264. Defendant denies for lack of knowledge or information sufficient to form a belief  
23 as to the truth of the allegations contained in Paragraph 264 of the Complaint.

24           265. Defendant denies for lack of knowledge or information sufficient to form a belief  
25 as to the truth of the allegations contained in Paragraph 265 of the Complaint.

26           266. Defendant denies for lack of knowledge or information sufficient to form a belief  
27 as to the truth of the allegations contained in Paragraph 266 of the Complaint.

28           267. Defendant denies for lack of knowledge or information sufficient to form a belief

1 as to the truth of the allegations contained in Paragraph 267 of the Complaint.

2 268. Defendant denies for lack of knowledge or information sufficient to form a belief  
3 as to the truth of the allegations contained in Paragraph 268 of the Complaint.

4 269. Defendant denies for lack of knowledge or information sufficient to form a belief  
5 as to the truth of the allegations contained in Paragraph 269 of the Complaint.

6 270. Defendant denies for lack of knowledge or information sufficient to form a belief  
7 as to the truth of the allegations contained in Paragraph 270 of the Complaint.

8 **COUNT 16 – VIOLATIONS OF CAL. CIVIL CODE § 1573**  
9 **(AGAINST HJA)**

10 271. Defendant realleges hereto, as if fully restated herein, each and every defense and  
11 averment contained in Paragraphs 1 through 270 of this Answer.

12 272. In response to Paragraph 272 of the Complaint, Defendant admits that Plaintiffs  
13 bring this claim individually and on behalf of the Class against HJA.

14 273. Defendant denies for lack of knowledge or information sufficient to form a belief  
15 as to the truth of the allegations contained in Paragraph 273 of the Complaint. Defendant further  
16 asserts that the Cal. Civ. Code speaks for itself.

17 274. Defendant denies for lack of knowledge or information sufficient to form a belief  
18 as to the truth of the allegations contained in Paragraph 274 of the Complaint.

19 275. Defendant denies for lack of knowledge or information sufficient to form a belief  
20 as to the truth of the allegations contained in Paragraph 275 of the Complaint.

21 276. Defendant denies for lack of knowledge or information sufficient to form a belief  
22 as to the truth of the allegations contained in Paragraph 276 of the Complaint.

23 **COUNT 17 – BREACH OF CONTRACT**  
24 **(AGAINST HJA)**

25 277. Defendant realleges hereto, as if fully restated herein, each and every defense and  
26 averment contained in Paragraphs 1 through 276 of this Answer.

27 278. In response to Paragraph 278 of the Complaint, Defendant admits that Plaintiffs  
28 bring this claim individually and on behalf of the Class against HJA.

1           279. Defendant denies for lack of knowledge or information sufficient to form a belief  
2 as to the truth of the allegations contained in Paragraph 279 of the Complaint.

3           280. Defendant denies for lack of knowledge or information sufficient to form a belief  
4 as to the truth of the allegations contained in Paragraph 280 of the Complaint.

5           281. Defendant denies for lack of knowledge or information sufficient to form a belief  
6 as to the truth of the allegations contained in Paragraph 281 of the Complaint.

7           282. Defendant denies for lack of knowledge or information sufficient to form a belief  
8 as to the truth of the allegations contained in Paragraph 282 of the Complaint.

9           283. Defendant denies for lack of knowledge or information sufficient to form a belief  
10 as to the truth of the allegations contained in Paragraph 283 of the Complaint.

11           284. Defendant denies for lack of knowledge or information sufficient to form a belief  
12 as to the truth of the allegations contained in Paragraph 284 of the Complaint.

13           285. Defendant denies for lack of knowledge or information sufficient to form a belief  
14 as to the truth of the allegations contained in Paragraph 285 of the Complaint.

15           286. Defendant denies for lack of knowledge or information sufficient to form a belief  
16 as to the truth of the allegations contained in Paragraph 286 of the Complaint.

17                                   **COUNT 18 – UNJUST ENRICHMENT**  
18                                   **(AGAINST HJA)**

19           287. Defendant realleges hereto, as if fully restated herein, each and every defense and  
20 averment contained in Paragraphs 1 through 286 of this Answer.

21           288. In response to Paragraph 288 of the Complaint, Defendant admits that Plaintiffs  
22 bring this claim individually and on behalf of the Class against HJA.

23           289. Defendant denies for lack of knowledge or information sufficient to form a belief  
24 as to the truth of the allegations contained in Paragraph 289 of the Complaint.

25           290. Defendant denies for lack of knowledge or information sufficient to form a belief  
26 as to the truth of the allegations contained in Paragraph 290 of the Complaint.

27           291. Defendant denies for lack of knowledge or information sufficient to form a belief  
28 as to the truth of the allegations contained in Paragraph 291 of the Complaint.

**CAUSES OF ACTION AGAINST NEIMANS**

**COUNT 19 – VIOLATIONS OF CAL. CIVIL CODE §§ 1750 ET SEQ.  
(AGAINST NEIMANS)**

292. Defendant realleges hereto, as if fully restated herein, each and every defense and averment contained in Paragraphs 1 through 291 of this Answer.

293. In response to Paragraph 293 of the Complaint, Defendant admits that Plaintiff Bates brings this claim individually and on behalf of the Class against Neimans.

294. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 294 of the Complaint.

295. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 295 of the Complaint.

296. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 296 of the Complaint.

297. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 297 of the Complaint.

298. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 298 of the Complaint.

299. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 299 of the Complaint.

300. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 300 of the Complaint. Defendant further asserts that the Cal. Civ. Code speaks for itself.

301. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 301 of the Complaint.

302. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 302 of the Complaint.

303. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 303 of the Complaint.

1           304. Defendant denies for lack of knowledge or information sufficient to form a belief  
2 as to the truth of the allegations contained in Paragraph 304 of the Complaint.

3           305. Defendant denies for lack of knowledge or information sufficient to form a belief  
4 as to the truth of the allegations contained in Paragraph 305 of the Complaint.

5           306. Defendant denies for lack of knowledge or information sufficient to form a belief  
6 as to the truth of the allegations contained in Paragraph 306 of the Complaint.

7           307. Defendant denies for lack of knowledge or information sufficient to form a belief  
8 as to the truth of the allegations contained in Paragraph 307 of the Complaint.

9           308. Defendant denies for lack of knowledge or information sufficient to form a belief  
10 as to the truth of the allegations contained in Paragraph 308 of the Complaint.

11           **COUNT 20 – VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17200 ET SEQ.**  
12           **(AGAINST NEIMANS)**

13           309. Defendant realleges hereto, as if fully restated herein, each and every defense and  
14 averment contained in Paragraphs 1 through 308 of this Answer.

15           310. In response to Paragraph 310 of the Complaint, Defendant admits that Plaintiff  
16 Bates brings this claim individually and on behalf of the Class against Neimans.

17           311. Defendant denies for lack of knowledge or information sufficient to form a belief  
18 as to the truth of the allegations contained in Paragraph 311 of the Complaint.

19           312. Defendant denies for lack of knowledge or information sufficient to form a belief  
20 as to the truth of the allegations contained in Paragraph 312 of the Complaint.

21           313. Defendant denies for lack of knowledge or information sufficient to form a belief  
22 as to the truth of the allegations contained in Paragraph 313 of the Complaint.

23           314. Defendant denies for lack of knowledge or information sufficient to form a belief  
24 as to the truth of the allegations contained in Paragraph 314 of the Complaint.

25           315. Defendant denies for lack of knowledge or information sufficient to form a belief  
26 as to the truth of the allegations contained in Paragraph 315 of the Complaint.

27

28



**COUNT 21 – VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17500 ET SEQ.**  
**(AGAINST NEIMANS)**

316. Defendant realleges hereto, as if fully restated herein, each and every defense and averment contained in Paragraphs 1 through 315 of this Answer.

317. In response to Paragraph 317 of the Complaint, Defendant admits that Plaintiff Bates brings this claim individually and on behalf of the Class against Neimans.

318. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 318 of the Complaint.

319. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 319 of the Complaint.

320. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 320 of the Complaint.

321. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 321 of the Complaint.

322. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 322 of the Complaint.

323. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 323 of the Complaint.

324. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 324 of the Complaint.

325. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 325 of the Complaint.

326. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 326 of the Complaint.

**COUNT 22 – VIOLATIONS OF CAL. CIVIL CODE §§ 1709, 1710**  
**(AGAINST NEIMANS)**

327. Defendant realleges hereto, as if fully restated herein, each and every defense and averment contained in Paragraphs 1 through 326 of this Answer.



1           328. In response to Paragraph 328 of the Complaint, Defendant admits that Plaintiff  
2 Bates brings this claim individually and on behalf of the Class against Neimans.

3           329. Defendant denies for lack of knowledge or information sufficient to form a belief  
4 as to the truth of the allegations contained in Paragraph 329 of the Complaint. Defendant further  
5 asserts that the Cal. Civ. Code speaks for itself.

6           330. Defendant denies for lack of knowledge or information sufficient to form a belief  
7 as to the truth of the allegations contained in Paragraph 330 of the Complaint. Defendant further  
8 asserts that the Cal. Civ. Code speaks for itself.

9           331. Defendant denies for lack of knowledge or information sufficient to form a belief  
10 as to the truth of the allegations contained in Paragraph 331 of the Complaint.

11           332. Defendant denies for lack of knowledge or information sufficient to form a belief  
12 as to the truth of the allegations contained in Paragraph 332 of the Complaint.

13           333. Defendant denies for lack of knowledge or information sufficient to form a belief  
14 as to the truth of the allegations contained in Paragraph 333 of the Complaint.

15           334. Defendant denies for lack of knowledge or information sufficient to form a belief  
16 as to the truth of the allegations contained in Paragraph 334 of the Complaint.

17           335. Defendant denies for lack of knowledge or information sufficient to form a belief  
18 as to the truth of the allegations contained in Paragraph 335 of the Complaint.

19           336. Defendant denies for lack of knowledge or information sufficient to form a belief  
20 as to the truth of the allegations contained in Paragraph 336 of the Complaint.

21           337. Defendant denies for lack of knowledge or information sufficient to form a belief  
22 as to the truth of the allegations contained in Paragraph 337 of the Complaint.

23           338. Defendant denies for lack of knowledge or information sufficient to form a belief  
24 as to the truth of the allegations contained in Paragraph 338 of the Complaint.

25                   **COUNT 23 – VIOLATIONS OF CAL. CIVIL CODE § 1572**  
26                   **(AGAINST NEIMANS)**

27           339. Defendant realleges hereto, as if fully restated herein, each and every defense and  
28 averment contained in Paragraphs 1 through 338 of this Answer.

1           340. In response to Paragraph 340 of the Complaint, Defendant admits that Plaintiff  
2 Bates brings this claim individually and on behalf of the Class against Neimans.

3           341. Defendant denies for lack of knowledge or information sufficient to form a belief  
4 as to the truth of the allegations contained in Paragraph 341 of the Complaint. Defendant further  
5 asserts that the Cal. Civ. Code speaks for itself.

6           342. Defendant denies for lack of knowledge or information sufficient to form a belief  
7 as to the truth of the allegations contained in Paragraph 342 of the Complaint.

8           343. Defendant denies for lack of knowledge or information sufficient to form a belief  
9 as to the truth of the allegations contained in Paragraph 343 of the Complaint.

10          344. Defendant denies for lack of knowledge or information sufficient to form a belief  
11 as to the truth of the allegations contained in Paragraph 344 of the Complaint.

12          345. Defendant denies for lack of knowledge or information sufficient to form a belief  
13 as to the truth of the allegations contained in Paragraph 345 of the Complaint.

14          346. Defendant denies for lack of knowledge or information sufficient to form a belief  
15 as to the truth of the allegations contained in Paragraph 346 of the Complaint.

16          347. Defendant denies for lack of knowledge or information sufficient to form a belief  
17 as to the truth of the allegations contained in Paragraph 347 of the Complaint.

18          348. Defendant denies for lack of knowledge or information sufficient to form a belief  
19 as to the truth of the allegations contained in Paragraph 348 of the Complaint.

20                   **COUNT 24 – VIOLATIONS OF CAL. CIVIL CODE § 1573**  
21                   **(AGAINST NEIMANS)**

22          349. Defendant realleges hereto, as if fully restated herein, each and every defense and  
23 averment contained in Paragraphs 1 through 348 of this Answer.

24          350. In response to Paragraph 350 of the Complaint, Defendant admits that Plaintiff  
25 Bates brings this claim individually and on behalf of the Class against Neimans.

26          351. Defendant denies for lack of knowledge or information sufficient to form a belief  
27 as to the truth of the allegations contained in Paragraph 351 of the Complaint. Defendant further  
28 asserts that the Cal. Civ. Code speaks for itself.

352. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 352 of the Complaint.

353. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 353 of the Complaint.

354. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 354 of the Complaint.

**COUNT 25 – BREACH OF CONTRACT**  
**(AGAINST NEIMANS)**

355. Defendant realleges hereto, as if fully restated herein, each and every defense and averment contained in Paragraphs 1 through 354 of this Answer.

356. In response to Paragraph 356 of the Complaint, Defendant admits that Plaintiff Bates brings this claim individually and on behalf of the Class against Neimans.

357. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 357 of the Complaint.

358. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 358 of the Complaint.

359. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 359 of the Complaint.

360. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 360 of the Complaint.

361. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 361 of the Complaint.

362. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 362 of the Complaint.

363. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 363 of the Complaint.

364. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 364 of the Complaint.

**COUNT 26 – UNJUST ENRICHMENT**  
**(AGAINST NEIMANS)**

365. Defendant realleges hereto, as if fully restated herein, each and every defense and averment contained in Paragraphs 1 through 364 of this Answer.

366. In response to Paragraph 366 of the Complaint, Defendant admits that Plaintiff Bates brings this claim individually and on behalf of the Class against Neimans.

367. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 367 of the Complaint.

368. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 368 of the Complaint.

369. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 369 of the Complaint.

**CAUSES OF ACTION AGAINST GOANTIQUES**

**COUNT 27 – VIOLATIONS OF CAL. CIVIL CODE §§ 1750 ET SEQ.**  
**(AGAINST GOANTIQUES)**

370. Defendant realleges hereto, as if fully restated herein, each and every defense and averment contained in Paragraphs 1 through 369 of this Answer.

371. In response to Paragraph 371 of the Complaint, Defendant admits that Plaintiff Mazur brings this claim individually and on behalf of the Class against GoAntiques. Defendant denies that this matter is properly brought as a class action.

372. Paragraph 372 of the Complaint states a legal conclusion, to which Defendant is not required to respond. If the Court interprets this allegation as a factual allegation calling for a response, then Defendant denies it.

373. Paragraph 373 of the Complaint states a legal conclusion, to which Defendant is not required to respond. If the Court interprets this allegation as a factual allegation calling for a response, then Defendant denies it.

374. Paragraph 374 of the Complaint states a legal conclusion, to which Defendant is not required to respond. If the Court interprets this allegation as a factual allegation calling for a

1 response, then Defendant denies it.

2 375. Paragraph 375 of the Complaint states a legal conclusion, to which Defendant is  
3 not required to respond. If the Court interprets this allegation as a factual allegation calling for a  
4 response, then Defendant denies it.

5 376. Paragraph 376 of the Complaint states a legal conclusion, to which Defendant is  
6 not required to respond. If the Court interprets this allegation as a factual allegation calling for a  
7 response, then Defendant denies it.

8 377. Paragraph 377 of the Complaint states a legal conclusion, to which Defendant is  
9 not required to respond. If the Court interprets this allegation as a factual allegation calling for a  
10 response, then Defendant denies it.

11 378. In response to Paragraph 378 of the Complaint, Defendant admits only that the  
12 Cal. Civ. Code speaks for itself.

13 379. Defendant denies the allegations contained in Paragraph 379 of the Complaint.

14 380. Defendant denies the allegations contained in Paragraph 380 of the Complaint.

15 381. Defendant denies the allegations contained in Paragraph 381 of the Complaint.

16 382. Defendant denies the allegations contained in Paragraph 382 of the Complaint.

17 383. Defendant denies the allegations contained in Paragraph 383 of the Complaint.

18 384. In response to Paragraph 384 of the Complaint, Defendant admits only that it may  
19 have received some sort of notice pursuant to Cal. Civ. Code § 1782, and that said notice speaks  
20 for itself. Defendant denies the remaining allegations contained in Paragraph 384 of the  
21 Complaint.

22 385. Defendant denies for lack of knowledge or information sufficient to form a belief  
23 as to the truth of the allegations contained in Paragraph 385 of the Complaint.

24 **COUNT 28 – VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17200 ET SEQ.**  
25 **(AGAINST GOANTIQUES)**

26 386. Defendant realleges hereto, as if fully restated herein, each and every defense and  
27 averment contained in Paragraphs 1 through 385 of this Answer.

28 387. In response to Paragraph 387 of the Complaint, Defendant admits that Plaintiff

1 Mazur brings this claim individually and on behalf of the Class against GoAntiques. Defendant  
2 denies that this matter is properly brought as a class action.

3 388. Defendant denies for lack of knowledge or information sufficient to form a belief  
4 as to the truth of the allegations contained in Paragraph 388 of the Complaint. Defendant further  
5 asserts that the Cal. Bus. & Prof. Code speaks for itself.

6 389. Defendant denies the allegations contained in Paragraph 389 of the Complaint.

7 390. Defendant denies the allegations contained in Paragraph 390 of the Complaint.

8 391. Defendant denies the allegations contained in Paragraph 391 of the Complaint.

9 392. Defendant denies the allegations contained in Paragraph 392 of the Complaint.

10  
11 **COUNT 29 – VIOLATIONS OF CAL. BUS. & PROF. CODE §§ 17500 ET SEQ.**  
12 **(AGAINST GOANTIQUES)**

13 393. Defendant realleges hereto, as if fully restated herein, each and every defense and  
14 averment contained in Paragraphs 1 through 392 of this Answer.

15 394. In response to Paragraph 394 of the Complaint, Defendant admits that Plaintiff  
16 Mazur brings this claim individually and on behalf of the Class against GoAntiques. Defendant  
17 denies that this matter is properly brought as a class action.

18 395. Defendant admits the allegations contained in Paragraph 395 of the Complaint.

19 396. Defendant admits only that it has engaged in the advertising and/or marketing in  
20 order to induce the purchase of the merchandise it sold via eBay Live Auctions. Defendant  
21 denies the remaining allegations contained in Paragraph 396 of the Complaint.

22 397. Defendant denies the allegations contained in Paragraph 397 of the Complaint.

23 398. Defendant denies the allegations contained in Paragraph 398 of the Complaint.

24 399. Defendant denies the allegations contained in Paragraph 399 of the Complaint.

25 400. Defendant denies the allegations contained in Paragraph 400 of the Complaint.

26 401. Defendant denies the allegations contained in Paragraph 401 of the Complaint.

27 402. Defendant denies the allegations contained in Paragraph 402 of the Complaint.

28 403. Defendant denies the allegations contained in Paragraph 403 of the Complaint.

**COUNT 30 – VIOLATIONS OF CAL. CIVIL CODE §§ 1709, 1710**  
**(AGAINST GOANTIQUES)**

404. Defendant realleges hereto, as if fully restated herein, each and every defense and averment contained in Paragraphs 1 through 403 of this Answer.

405. In response to Paragraph 405 of the Complaint, Defendant admits that Plaintiff Mazur brings this claim individually and on behalf of the Class against GoAntiques. Defendant denies that this matter is properly brought as a class action.

406. Defendant denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 406 of the Complaint. Defendant further asserts that the Cal. Civ. Code speaks for itself.

407. Defendant admits that the Cal. Civ. Code speaks for itself.

408. Defendant denies the allegations contained in Paragraph 408 of the Complaint.

409. Defendant denies the allegations contained in Paragraph 409 of the Complaint.

410. Defendant denies the allegations contained in Paragraph 410 of the Complaint.

411. Defendant denies the allegations contained in Paragraph 411 of the Complaint.

412. Defendant denies the allegations contained in Paragraph 412 of the Complaint.

413. Defendant denies the allegations contained in Paragraph 413 of the Complaint.

414. Defendant denies the allegations contained in Paragraph 414 of the Complaint.

415. Defendant denies the allegations contained in Paragraph 415 of the Complaint.

**COUNT 31 – VIOLATIONS OF CAL. CIVIL CODE § 1572**  
**(AGAINST GOANTIQUES)**

416. Defendant realleges hereto, as if fully restated herein, each and every defense and averment contained in Paragraphs 1 through 415 of this Answer.

417. In response to Paragraph 417 of the Complaint, Defendant admits that Plaintiff Mazur brings this claim individually and on behalf of the Class against GoAntiques. Defendant denies that this matter is properly brought as a class action.

418. Defendant admits that the Cal. Civ. Code speaks for itself.

419. Defendant denies the allegations contained in Paragraph 419 of the Complaint.



1 420. Defendant denies the allegations contained in Paragraph 420 of the Complaint.

2 421. Defendant denies the allegations contained in Paragraph 421 of the Complaint.

3 422. Defendant denies the allegations contained in Paragraph 422 of the Complaint.

4 423. Defendant denies the allegations contained in Paragraph 423 of the Complaint.

5 424. Defendant denies the allegations contained in Paragraph 424 of the Complaint.

6 425. Defendant denies the allegations contained in Paragraph 425 of the Complaint.

7 **COUNT 32 – VIOLATIONS OF CAL. CIVIL CODE § 1573**  
8 **(AGAINST GOANTIQUES)**

9 426. Defendant realleges hereto, as if fully restated herein, each and every defense and  
10 averment contained in Paragraphs 1 through 425 of this Answer.

11 427. In response to Paragraph 427 of the Complaint, Defendant admits that Plaintiff  
12 Mazur brings this claim individually and on behalf of the Class against GoAntiques. Defendant  
13 denies that this matter is properly brought as a class action.

14 428. Defendant admits that the Cal. Civ. Code speaks for itself.

15 429. Defendant denies the allegations contained in Paragraph 429 of the Complaint.

16 430. Defendant denies the allegations contained in Paragraph 430 of the Complaint.

17 431. Defendant denies the allegations contained in Paragraph 431 of the Complaint.

18 **COUNT 33 – BREACH OF CONTRACT**  
19 **(AGAINST GOANTIQUES)**

20 432. Defendant realleges hereto, as if fully restated herein, each and every defense and  
21 averment contained in Paragraphs 1 through 431 of this Answer.

22 433. In response to Paragraph 433 of the Complaint, Defendant admits that Plaintiff  
23 Mazur brings this claim individually and on behalf of the Class against GoAntiques. Defendant  
24 denies that this matter is properly brought as a class action.

25 434. In response to Paragraph 434 of the Complaint, Defendant admits only that in  
26 order to participate in GoAntiques' auctions said participants had agreed to Defendant's terms  
27 and conditions.

28 435. Defendant denies the allegations contained in Paragraph 435 of the Complaint.



1 436. Defendant denies the allegations contained in Paragraph 436 of the Complaint.

2 437. Defendant denies the allegations contained in Paragraph 437 of the Complaint.

3 438. Defendant denies the allegations contained in Paragraph 438 of the Complaint.

4 439. Defendant denies the allegations contained in Paragraph 439 of the Complaint.

5 440. Defendant denies the allegations contained in Paragraph 440 of the Complaint.

6 441. Defendant denies the allegations contained in Paragraph 441 of the Complaint.

7 **COUNT 34 – UNJUST ENRICHMENT**  
8 **(AGAINST GOANTIQUES)**

9 442. Defendant realleges hereto, as if fully restated herein, each and every defense and  
10 averment contained in Paragraphs 1 through 442 of this Answer.

11 443. In response to Paragraph 443 of the Complaint, Defendant admits that Plaintiff  
12 Mazur brings this claim individually and on behalf of the Class against GoAntiques. Defendant  
13 denies that this matter is properly brought as a class action.

14 444. Defendant denies the allegations contained in Paragraph 444 of the Complaint.

15 445. Defendant denies the allegations contained in Paragraph 445 of the Complaint.

16 446. Defendant denies the allegations contained in Paragraph 446 of the Complaint.

17 **CAUSES OF ACTION AGAINST ALL DEFENDANTS**

18 **COUNT 35 – VIOLATIONS OF 18 U.S.C. § 1962(C)**  
19 **(AGAINST ALL DEFENDANTS)**

20 447. Defendant realleges hereto, as if fully restated herein, each and every defense and  
21 averment contained in Paragraphs 1 through 446 of this Answer.

22 448. In response to Paragraph 448 of the Complaint, Defendant admits that Plaintiffs  
23 bring this claim individually and on behalf of the Class against all Defendants. This Defendant  
24 denies that this matter is properly brought as a class action.

25 449. Defendant denies the allegations contained in Paragraph 449 of the Complaint, as  
26 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
27 to form a belief as to the truth of the remaining allegations contained in Paragraph 449 of the  
28 Complaint.

1           450. Defendant denies the allegations contained in Paragraph 450 of the Complaint, as  
2 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
3 to form a belief as to the truth of the remaining allegations contained in Paragraph 450 of the  
4 Complaint.

5           451. In response to Paragraph 451 of the Complaint, Defendant admits that eBay  
6 provided this Defendant with a forum in which to sell this Defendant's product. Defendant  
7 denies for lack of knowledge or information sufficient to form a belief as to the truth of the  
8 remaining allegations contained in Paragraph 451 of the Complaint, as they pertain to the other  
9 Defendants.

10           452. Defendant denies the allegations contained in Paragraph 452 of the Complaint, as  
11 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
12 to form a belief as to the truth of the remaining allegations contained in Paragraph 452 of the  
13 Complaint, as they pertain to the other Defendants.

14           453. Defendant denies the allegations contained in Paragraph 453 of the Complaint, as  
15 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
16 to form a belief as to the truth of the remaining allegations contained in Paragraph 453 of the  
17 Complaint, as they pertain to the other Defendants.

18           454. Defendant denies the allegations contained in Paragraph 454 of the Complaint, as  
19 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
20 to form a belief as to the truth of the remaining allegations contained in Paragraph 454 of the  
21 Complaint, as they pertain to the other Defendants.

22           455. Defendant denies the allegations contained in Paragraph 455 of the Complaint, as  
23 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
24 to form a belief as to the truth of the remaining allegations contained in Paragraph 455 of the  
25 Complaint, as they pertain to the other Defendants.

26           456. Defendant denies the allegations contained in Paragraph 456 of the Complaint, as  
27 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
28 to form a belief as to the truth of the remaining allegations contained in Paragraph 456 of the

1 Complaint, as they pertain to the other Defendants.

2 457. Defendant denies the allegations contained in Paragraph 457 of the Complaint, as  
3 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
4 to form a belief as to the truth of the remaining allegations contained in Paragraph 457 of the  
5 Complaint, as they pertain to the other Defendants.

6 458. Defendant denies the allegations contained in Paragraph 458 of the Complaint, as  
7 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
8 to form a belief as to the truth of the remaining allegations contained in Paragraph 458 of the  
9 Complaint, as they pertain to the other Defendants.

10 459. Defendant denies the allegations contained in Paragraph 459 of the Complaint, as  
11 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
12 to form a belief as to the truth of the remaining allegations contained in Paragraph 459 of the  
13 Complaint, as they pertain to the other Defendants.

14 460. Defendant denies the allegations contained in Paragraph 460 of the Complaint, as  
15 they pertain to this Defendant. Defendant denies for lack of knowledge or information sufficient  
16 to form a belief as to the truth of the remaining allegations contained in Paragraph 460 of the  
17 Complaint, as they pertain to the other Defendants.

18 461. Defendant denies each and every remaining allegation that has not been  
19 specifically admitted nor specifically denied.

## 20 **AFFIRMATIVE DEFENSES**

21 1. Plaintiffs' claims fail for lack of subject matter and/or personal jurisdiction.

22 2. Plaintiffs fail to state a claim upon which relief may be granted pursuant to Fed. R.  
23 Civ. P. 12(b)(6).

24 3. Plaintiffs' claims are barred by the doctrines of claim preclusion and/or issue  
25 preclusion, otherwise known as res judicata.

26 4. Plaintiffs' claims fail under the equitable doctrine of "unclean hands."

27 5. Plaintiffs' claims are barred by the applicable statutes of limitations.

28 6. Plaintiffs' claims are barred by the equitable doctrines of waiver, estoppel, and

1 laches.

2 7. Plaintiffs have failed to mitigate damages, if any.

3 8. Any damages incurred by Plaintiffs, which Defendant specifically denies, were the  
4 result of the actions or inactions of Plaintiffs or a third party over whom Defendant exercised no  
5 authority or control.

6 9. Plaintiffs' claims should be dismissed because Defendant is not in breach but has  
7 performed all obligations and duties under the Agreement with Plaintiffs.

8 10. Plaintiffs' claims are barred by payment.

9 11. Defendant reserves all affirmative defenses set forth in Rule 8(c) of the Federal  
10 Rules of Civil Procedure as well as all other affirmative defenses that may be found applicable as  
11 discovery progresses, and reserves the right to supplement or amend its answer accordingly.

12  
13  
14 WHEREFORE, Defendant GoAntiques respectfully requests that this Court:

15 1. Dismiss all claims against Defendant in their entirety;

16 2. Grant judgment in favor of Defendant;

17 3. Order Plaintiffs to pay all costs incurred by Defendant in defense of this matter,  
18 including reasonable attorney's fees;

19 4. Grant Defendant such other and further relief to which this Court deems Defendant  
20 is entitled either at law or in equity.

21 Dated: August 15, 2008

FARELLA BRAUN & MARTEL LLP

22  
23 By: /s/ Frank J. Riebli  
24 Frank J. Riebli

25 Attorneys for Defendant GOANTIQUES, INC.  
26  
27  
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